

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Eighth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10688 of 2017

IN CRL RC.1126/2017

MURUGAN,

[ PETITIONER ]

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
THURAIPAKKAM POLICE STATION,  
CHENNAI.  
CRIME NO.367/2004.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1126/2017 on the file of the High Court, the High Court will be pleased to suspend the order of conviction passed by the Learned Judicial Magistrate, Alandur, in C.C.NO.823 of 2004, sentencing the Petitioner to under go simple imprisonment for three years for the offence punishable under section 326 of Indian Penal Code and to pay a compensation of Rs.25,000/- and in default to undergo further simple imprisonment for three months by his judgment dated 30.07.2016 pending disposal main Criminal Revision Petition and consequently direction to continue the bail bond executed in the trial court till the disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1126/2017 on the file of the High Court and upon hearing the arguments of M/S.V.ARUNAGIRI Advocate for the petitioner and of MR. C.AYYAPPARAJ, Govt. Advocate ( Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 28.07.2017 made in C.A.No.34 of 2016 on the file of the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu confirming the judgment dated 30.07.2016 made in C.C.No.823 of 2004 on the file of the learned Judicial Magistrate, Alandur.

2. The learned counsel appearing for the petitioner submits that, though charge sheet has been filed against the petitioner and it was tried for the offence punishable under Section 326 of IPC, the weapon which caused grievous injuries, even according to the prosecution, has not been produced as "Material Object" before the

trial Court. Like that, so many other infirmities are there in the trial.

3. These points raised by the learned counsel appearing for the petitioner can be decided only at the time of final hearing and since it will take some time to take up the case for final hearing, at this juncture, this Court is inclined to entertain the petition for suspension of sentence alone.

4. Therefore, the substantive sentence of imprisonment imposed against the petitioner alone is suspended and the petitioner is released on bail on the following conditions :-

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Alandur within a period of two weeks from the date of receipt of copy of this Order and also

(ii) the petitioner shall appear before the said Magistrate Court on the first working day of every English calender month at 10.30 a.m. until further orders.

-sd/-  
28/08/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE  
KANCHEEPURAM DISTRICT AT CHENGALPATTU

2 THE JUDICIAL MAGISTRATE,  
ALANDUR

3 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,  
THURAIPAKKAM POLICE STATION,  
CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S.V.ARUNAGIRI Advocate on payment of necessary charges SR.NO. 16352

Order

in  
CRL MP.10688/2017

in  
CRL RC.1126/2017

Date :28/08/2017

From 7.2.2001 the Registry is issuing certified  
copies of the BAIL/Anti.BAIL Orders in this format  
RD 31/08/2017